



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2011 Biennium

<b>Bill #</b>	SB0214	<b>Title:</b>	Increase penalty for cattle theft
<b>Primary Sponsor:</b>	Steinbeisser, Donald J	<b>Status:</b>	Select status

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2  | <input type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**Description of fiscal impact:** SB 214 adds sections to Title 45, Chapter 2, MCA increasing penalties and forfeiture of property for theft or illegal branding or altering brands of commonly domesticated hoofed animals. There impact to state revenues cannot be estimated.

### FISCAL ANALYSIS

#### Assumptions:

#### **Department of Corrections**

- SB 214 increases penalties for theft of domesticated hoofed animals and for illegal branding, altering, or obscuring a brand; there is no change in the length of potential prison terms for such an offense; therefore this bill has no fiscal impact to the Department of Corrections. If a prison sentence is deferred, mandatory community service is ordered.

#### **Department of Livestock**

- SB 214 provides a forfeiture process of certain property when this crime is committed, disposition of this property and outlines the distribution of proceeds if sold. There may be an increase in state special revenue credited to the Department of Livestock for property seized, forfeited, and sold under the provisions of SB 214 but it is undeterminable how much revenue might be generated since determining the type and value of property seized would be very speculative.

**Judicial Branch**

3. The number of district court criminal cases may increase as a result of this legislation. District Court workload may increase but the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of such legislation may over a period of time require additional judicial resources since the court dockets are already full throughout the state.
4. The increased penalty for theft of domesticated hooved animals and for illegal branding, altering, or obscuring a brand could result in a positive impact to the state general fund but the amount will vary and is undeterminable at this time depending on the number of cases and the jurisdiction of the court where the case was heard.

**Office of Public Defender**

5. In FY 2008, the Office of the State Public Defender participated in two cases in which a defendant was charged with theft of cattle. It is assumed that the Office of the State Public Defender will receive the same caseload in the next two biennia which would result no higher expenditures for this section of law than what was expended in FY 2008.

**Effect on County or Other Local Revenues or Expenditures:**

1. Depending on the offense, this legislation may increase the caseload of Courts of Limited Jurisdiction, which are funded by local governments.
2. The increased penalty for theft of domesticated hooved animals and for illegal branding, altering, or obscuring a brand could result in a positive impact to local government general fund but the amount will vary and is undeterminable at this time depending on the number of cases and the jurisdiction of the court where the case was heard.

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*Sponsor's Initials*

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*Date*

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*Budget Director's Initials*

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*Date*